

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

THOMAS LUCERO, JR., Plaintiff, vs. PENNINGTON COUNTY SHERRIFS OFFICE JAIL DIVISION, AS AN AGENCY; ROBERT YANTIS, JAIL COMMANDER; INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; CAPT. WADE ANDERSON, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; CAPT. BROOK HAGA, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; LT. KATHLEEN HOUSTON, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; AND LT. TISAY MUNSCH, IN INDIVIDUAL AND OFFICIAL CAPACITY; Defendants.	5:19-CV-05056-KES ORDER GRANTING PLAINTIFF'S MOTION TO FILE AN AMENDED COMPLAINT
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Plaintiff Thomas Lucero, Jr., filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Docket 1. Lucero was granted leave to proceed in forma pauperis and paid his initial filing fee on August 13, 2019. Docket 8. He filed a motion to appoint counsel (Docket 4) and has filed multiple motions to file an amended complaint. Dockets 2, 9, 11.

ANALYSIS

Civil rights and pro se complaints must be liberally construed. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Bediako v. Stein Mart, Inc.*, 354 F.3d 835,

839 (8th Cir. 2004). “Although pro se pleadings are to be construed liberally, pro se litigants are not excused from compliance with procedural and local rules.” *Smith v. Brown*, 2018 U.S. Dist. LEXIS 47969, at *61, (D.S.D. 2018); see *Schooley v. Kennedy*, 712 F.2d 372, 373 (8th Cir. 1983). Under this court’s local rules

any party moving to amend a pleading must attach a copy of the proposed amended pleading to its motion to amend with the proposed changes highlighted or underlined so that they may be easily identified. If the court grants the motion, the moving party must file a clean original of the amended pleading within 7 days.

D.S.D. Civ. LR 15.1. Lucero must comply with the local rules of this court. Lucero has filed three separate motions to amend but has not followed Local Rule 15.1. This court grants Lucero’s motion to file an amended complaint. Docket 2. Lucero must file a full and complete amended complaint by December 15, 2019. If Lucero does not file this amended complaint by December 15, 2019, his initial complaint (Docket 1) will be screened under 28 U.S.C. § 1915A.

Thus, it is ORDERED:

1. Lucero’s motion to file an amended complaint (Docket 2) is granted and Lucero must file a full and complete amended complaint by **December 15, 2019**.
2. Lucero’s motions to file an amended complaint (Docket 9 and 11) are denied.
3. Lucero’s motion to appoint counsel is stayed until Lucero’s complaint has been screened under 28 U.S.C. § 1915A.

4. The Clerk will send Lucero a copy of this court's Civil Local Rules of Practice.

Dated October 15, 2019.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE